

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOSEPH IORHEMBA ASAN JR.,

Defendant.

20 CRIM 86

INDICTMENT

20 Cr.

JUDGE WOOD

COUNT ONE

(Conspiracy to Commit Bank Fraud and Wire Fraud)

The Grand Jury charges:

OVERVIEW

1. From at least in or about February 2018 through in or about October 2019, JOSEPH IORHEMBA ASAN JR., the defendant, who was a member of the U.S. Army Reserves, participated in a scheme to commit fraud against victims across the United States, defraud banks, and to launder fraud proceeds in bank accounts that ASAN controlled. Among other things, ASAN and other members of the conspiracy opened bank accounts in the names of fake businesses; received or attempted to receive over approximately \$3 million in fraud proceeds; and withdrew fraud proceeds in cash and transferred fraud proceeds to other co-conspirators.

2. The funds laundered by JOSEPH IORHEMBA ASAN JR., the defendant, were obtained primarily through (a) business email compromises, in which members of the scheme gained unauthorized

access to or spoofed email accounts and impersonated employees of a company or third parties engaged in business with the company in order to fraudulently induce the victims to transfer money to bank accounts under the control of members of the scheme, including ASAN; and (b) romance scams, in which members of the scheme deluded unsuspecting older women and men into believing they were in a romantic relationship with a fake identity assumed by members of the scheme and used false pretenses to cause the victims to transfer money to bank accounts under the control of members of the scheme, including ASAN.

STATUTORY ALLEGATIONS

3. From at least in or about February 2018 through in or about October 2019, in the Southern District of New York and elsewhere, JOSEPH IORHEMBA ASAN JR., the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

4. It was a part and an object of the conspiracy that JOSEPH IORHEMBA ASAN JR., the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by

means of false and fraudulent pretenses, representations, and promises, knowingly and willfully would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, ASAN engaged in a scheme, together with others, to receive and launder wire transfers to and from the Southern District of New York and elsewhere, from victims of fraud schemes through bank accounts controlled by ASAN and other members of the conspiracy.

5. It was further a part and an object of the conspiracy that JOSEPH IORHEMBA ASAN JR., the defendant, and others known and unknown, knowingly and willfully would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to wit, ASAN engaged in a scheme, together with others, to receive and launder wire transfers and cash deposits from victims of fraud schemes through bank

accounts that ASAN and other members of the conspiracy opened at financial institutions in the Southern District of New York and elsewhere, on the basis of false and fraudulent pretenses and representations.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Conspiracy to Receive Stolen Money)

The Grand Jury further charges:

6. From at least in or about February 2018 through in or about October 2019, in the Southern District of New York and elsewhere, JOSEPH IORHEMBA ASAN JR., the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, a violation of Title 18, United States Code, Section 2315.

7. It was a part and object of the conspiracy that JOSEPH IORHEMBA ASAN JR., the defendant, and others known and unknown, would and did receive, possess, conceal, store, barter, sell, and dispose of goods, wares, merchandise, securities, and money, of the value of \$5,000 and more, which had crossed a state boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Section 2315, to wit, ASAN and other members of the conspiracy received proceeds of fraud schemes that were transferred to and from bank

accounts located in different states, including at least one transfer of fraud proceeds from a bank account in New York to a bank account in Pennsylvania.

OVERT ACT

8. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about February 28, 2019, JOSEPH IORHEMBA ASAN JR., the defendant, received a wire transfer of approximately \$421,722 consisting of fraud proceeds that was processed in Yonkers, New York.

(Title 18, United States Code, Section 371.)

COUNT THREE
(Receipt of Stolen Money)

The Grand Jury further charges:

9. From at least in or about February 2018 through in or about October 2019, in the Southern District of New York and elsewhere, JOSEPH IORHEMBA ASAN JR., the defendant, received, possessed, concealed, stored, bartered, sold, and disposed of goods, wares, merchandise, securities, and money, of the value of \$5,000 and more, which had crossed a state boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, to wit, ASAN received proceeds of fraud schemes that were transferred to

and from bank accounts located in different states, including at least one transfer of fraud proceeds from a bank account in New York to a bank account in Pennsylvania.

(Title 18, United States Code, Sections 2315 and 2.)

COUNT FOUR
(Money Laundering Conspiracy)

The Grand Jury further charges:

10. From at least in or about February 2018 through in or about October 2019, in the Southern District of New York and elsewhere, JOSEPH IORHEMBA ASAN JR., the defendant, and others known and unknown, knowingly and intentionally did combine, conspire, confederate, and agree together and with each other to commit money laundering, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

11. It was a part and object of the conspiracy that JOSEPH IORHEMBA ASAN JR., the defendant, and others known and unknown, knowing that the property involved in certain financial transactions represented proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions, which in fact involved the proceeds of specified unlawful activity, to wit, the bank fraud and wire fraud conspiracy charged in Count One of this Indictment, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, to

wit, ASAN and other members of the conspiracy received proceeds of fraud schemes through bank accounts opened in the names of fake businesses and withdrew those proceeds in cash and transferred those fraud proceeds to other co-conspirators, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATIONS

12. As the result of committing the bank fraud conspiracy charged in Count One of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as a result of the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

13. As the result of committing the wire fraud conspiracy charged in Count One of this Indictment and the offenses charged in Counts Two and Three of this Indictment, JOSEPH IORHEMBA ASAN JR., the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, any and all property, real and personal, that constitutes or is derived from proceeds

traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

14. As the result of committing the offense charged in Count Four of this Indictment, JOSEPH IORHEMBA ASAN JR., the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense.

Substitute Assets Provision

15. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 981 and 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)

Wendy Kenney
FOREPERSON
1/30/18

Geoffrey S. Berman
GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSEPH IORHEMBA ASAN JR.

Defendant.

INDICTMENT

20 Cr.

(18 U.S.C. §§ 371, 1349, 1956(h), 2315,
and 2.)

GEOFFREY S. BERMAN
United States Attorney

Wendy Kenney
Foreperson

1/30/2020 FILED INDICTMENT COTT, USMT